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Washington Post: Shrink at least 4 national monuments and modify a half-dozen others, Zinke tells Trump

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Interior Secretary Ryan Zinke has recommended that President Trump modify 10 national monuments created by his immediate predecessors, including shrinking the boundaries of at least four western sites, according to a copy of the report obtained by The Washington Post.

The memorandum, which the White House has refused to release since Zinke submitted it late last month, does not specify exact reductions for the four protected areas Zinke would have Trump narrow — Utah’s Bears Ears and Grand Staircase-Escalante, Nevada’s Gold Butte, and Oregon’s Cascade-Siskiyou — or the two marine national monuments — the Pacific Remote Islands and Rose Atoll — for which he raised the same prospect. The two Utah sites encompass a total of more than 3.2 million acres, part of the reason they have aroused such intense emotions since their designation.

The secretary’s set of recommendations also would change the way all 10 targeted monuments are managed. It emphasizes the need to adjust the proclamations to address concerns of local officials or affected industries, saying the administration should permit “traditional uses” now restricted within the monuments’ boundaries, such as grazing, logging, coal mining and commercial fishing. If enacted, the changes could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act. Although Congress can alter national monuments easily through legislation, presidents have reduced their boundaries only on rare occasions. The memorandum, labeled “Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act,” shows Zinke concluded after a nearly four-month review that both Republican and Democratic presidents went too far in recent decades in limiting commercial activities in protected areas. The act, signed into law by President Theodore Roosevelt, gives the president wide latitude to protect public lands and waters that face an imminent threat.

“It appears that certain monuments were designated to prevent economic activity such as grazing, mining and timber production rather than to protect specific objects,” the report reads, adding that while grazing is rarely banned “outright,” subsequent management decisions “can have the indirect result of hindering livestock-grazing uses.” To correct this overreach, Zinke says, Trump should use his authority under the Antiquities Act to change each of the 10 sites’ proclamations to permit activities that are now restricted. These include “active timber management” in Maine’s Katahdin Woods and Waters; a broader set of activities in New Mexico’s Organ Mountains-Desert Peaks and Rio Grande del Norte; and commercial fishing in the two Pacific Ocean marine monuments, as well as in one off the New England coast, Northeast Canyons and Seamounts.

Meet the nation's most endangered national monuments

In most of his recommendations, Zinke suggests Trump amend the existing proclamations “to protect objects and prioritize public access; infrastructure upgrades, repair and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

The White House is reviewing the recommendations and has not reached a final decision on them. At several points, the memo bears the marker “Draft Deliberative — Not for Distribution.”

In an email Sunday, White House spokeswoman Kelly Love said she would not discuss in detail a review that is still underway: “The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the President and relevant agencies.”

The majority of the monuments listed in the report were established by either President Bill Clinton or President Barack Obama, but the two Pacific Ocean sites were created by President George W. Bush and later expanded by Obama.

“No other administration has gone this far,” Kristen Brengel, vice president of government affairs for the National Parks Conservation Association, said of the Trump White House in an interview. “This law was intended to protect places from development, not promote damaging natural and cultural resources.”

The secretary urges Trump to request congressional authority “to enable tribal co-management of designated cultural resources” in three ancestral sites: Bears Ears, Rio Grande del Norte and Organ Mountains-Desert Peaks. At the same time, he proposes not only shrinking the boundaries of Bears Ears but requesting that Congress make less-restrictive designations within it, “such as national recreation areas or national conservation areas.” The monument, which contains tens of thousands of cultural artifacts, has become the most prominent symbol of the issues surrounding the Antiquities Act. Yet Zinke also suggests the administration explore the possibility of establishing three new national monuments that would recognize either African American or Native American history. These include Kentucky’s Camp Nelson, an 1863 Union Army outpost where African American regiments trained; the home of murdered civil rights hero Medgar Evers in Jackson, Miss.; and the 130,000-acre Badger-Two Medicine area in Zinke’s home state of Montana, which is considered sacred by the Blackfeet Nation.

“This process should include clear criteria for designations and methodology for meeting conservation and protection goals,” he writes of these potential designations, adding that this course should be “fully transparent” to allow for public input.

Trump signed an executive order in April directing Zinke to examine any national monument created since Jan. 1, 1996, and spanning at least 100,000 acres. The secretary ultimately included 27 of them, including Katahdin, which is roughly 87,500 acres.

Before submitting Zinke’s report to the White House in August, Interior had already announced

that six of the monuments under scrutiny would remain unchanged. Zinke's memorandum is silent on the fate of the remaining 11 monuments, including Papahanaumokuakea, which Bush created but Obama expanded to more than 582,578 square miles of land and sea in the northwestern Hawaiian Islands.

In southeast Utah, a sacred tribal site is being looted

Conservative Republicans, including House Natural Resources Committee Chairman Rep. Rob Bishop of Utah, have long been critical of how presidents have used the Antiquities Act. Speaking to reporters last month, Bishop said that the law was not intended "to appoint the president as a dictator" and that federal officials needed to be more respectful of what state lawmakers and local residents thought of protecting areas near their communities.

Ethan Lane, who directs the Public Lands Council at the National Cattlemen's Beef Association, said in an interview that what administration officials are doing is "going back in to look at these designations and ensuring that groups that are significantly impacted are heard. . . They're going back and fixing what is wrong with a pretty hurried and nontransparent process."

Grand Staircase-Escalante, which Clinton designated in 1996, later led to a land exchange between Utah and the federal government that was ratified by Congress and incorporated a \$14 million buyout of 17 leases held by Andalex Resources Inc. within the monument's boundaries.

Zinke's report notes that the site contains "an estimated several billion tons of coal and large oil deposits" and that the limits of motorized vehicle use there "has created conflict with Kane and Garfield Counties' transportation network."

In the case of the Pacific Remote Islands, the memo notes that before Bush protected it in 2009 "there were Hawaiian and American Samoan longliners and purse seiners vessels operating." National Geographic explorer in residence Enric Sala, who has conducted scientific surveys in the Pacific Remote Islands Marine National Monument, said in an email that any effort to restart commercial fishing within its boundaries "would not only harm the ecosystem the monument is supposed to protect, but also its ability to help replenish tuna fisheries around it."

While concerns about ranching are raised more frequently than any other objection in the report, Zinke also writes that "border security is a concern resulting from the designation" of Organ Mountains-Desert Peaks near New Mexico's border with Mexico. Both the Homeland Security Department and the Pentagon should assess risks associated with the monument, he suggests, given the proximity of nearby military installations.

U.S. Customs and Border Protection issued a letter in January 2014, before the site was designated, saying it would not impede security and would "significantly enhance the flexibility" of agents patrolling a five-mile strip along the border that was then an official wilderness study area. Changing the way these monuments are managed, as well as their size, is likely to spur a range of legal challenges. Both Trump's executive order and the report highlight the importance of protecting sites though "the smallest area compatible with the proper care and management of the objects to be protected."

“Throughout the review, the Secretary has seen examples of objects not clearly defined in the proclamation,” the report reads. “Examples of such objects are geographic areas, ‘viewsheds,’ and ‘ecosystems.’”

And in Katahdin, which is managed by the National Park Service, the secretary proposes amending its proclamation “to promote a healthy forest through active timber management.”

Lucas St. Clair, whose family’s foundation donated the land to the federal government last year to create the monument, said he did not understand why the administration would be seeking changes since the Park Service already has the right to cut trees to maintain the property and protect visitors.

“We need to look through the lens of protecting the conservation and recreational values of the monument. I’m not sure if timber management does that,” he said.

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